

Appl. No. 10/702,181  
Amendt. dated January 26, 2006  
Reply to Advisory Action of January 18, 2006

REMARKS / ARGUMENTS

In response to the Advisory Action of January 18, 2006, Applicants have amended independent claim 5 to resolve concerns raised by the Examiner in the Advisory Action. Entry of this Amendment and a previous Amendment of December 30, 2005 is requested, and reconsideration and allowance of the pending, amended claims are respectfully requested.

I. Invention Overview

The invention is a performance enhancing break-in method for a proton exchange membrane ("PEM") fuel cell that includes cycling potentials of an anode electrode and/or a cathode electrode from a first potential to a second potential and back to the first potential, and repeating the cycling for one or both electrodes for at least two electrode cycles. The potential cycling may be achieved by applying a direct current from a programmable direct current power source to the electrodes. The potential cycling may also be achieved by varying reactants to which the anode and cathode electrodes are exposed. The break-in method significantly shortens an amount of time necessary to bring the fuel cell up to maximum operational capacity.

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## II. Response to Advisory Action

In an extensive telephone interview of January 26, 2006, it was agreed between the undersigned and the Examiner to amend independent claim 5 by including in claim 5 the limitations of objected to claim 8. In the Advisory Action of January 18, 2006, at section box 7, the Examiner indicated the status of the claims is or will be as follows: claim 1 is allowed, and claim 8 is objected to. Additionally, the Examiner agreed that pending dependent claims 6, 7 and 9 would also be allowed because they now depend from amended claim 5, which by this amendment is allowable. Claim 8 has been canceled because it has been amended into independent claim 5.

The Examiner also agreed, at the conclusion of the aforesaid telephone interview, that the present amendment of claim 5 would place the pending Application in condition for allowance. The undersigned extends his sincere appreciation to the Examiner for his generous expenditure of time in reviewing details of the application and cited reference.

For purposes of clarity of the record, Applicants are making the present amendment to claim 5 to expedite issuance of patent protection for the pending, non-cancelled claims. It is the present intention of the Applicants to file a continuing application to further clarify distinctions between Applicants' invention subject to this Application and the cited reference U.S. Pre-Grant Publication No. 2003/0224227 to Voss.

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### III. Conclusion

By the present amendment to effectively cancel claim 8 and to bring the elements of canceled claim 8 into independent claim 5, it is urged that the pending claims are now in condition for allowance. The Applicants again thank the Examiner for his cooperative approach to putting this application in condition for allowance; for his offering to provide in his next mailing an "Interview Summary" of the Jan. 26 interview with the undersigned; for his agreeing to enter the present Amendment and the Amendment of Dec. 30, 2005; and, for agreeing that the Amendments place the Application in condition for allowance. Accordingly, it is respectfully requested that the Examiner enter this Amendment and the Dec. 30, 2005 Amendment, remove the rejection of the pending claims 5-7 and 9, and issue a Notice of Allowance.

Respectfully submitted,  
Malcolm J. Chisholm, Jr.  
  
Attorney for Applicants  
Registration No. 33,665  
Telephone: (413) 243-0551

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